

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

LACY FECHER,

Plaintiff,

v.

ISLANDS HOSPICE, INC.,
JAN EATON, *et al.*,

Defendants.

Case No. 23-cv-00130-DKW-WRP

ORDER TO SHOW CAUSE

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On May 15, 2023, the Court entered an Order granting in part Defendant Islands Hospice, Inc.’s motion for partial dismissal with partial leave to amend. Dkt. No. 16. In doing so, the Court instructed Plaintiff Lacy Fecher that, if she filed an amended complaint, she should amend the allegations concerning the named Defendants’ citizenship because, as pled in the original Complaint, the Court did not have diversity jurisdiction—the only stated basis for the Court’s subject matter jurisdiction. *Id.* at 12 n.4.

On May 26, 2023, Fecher filed an Amended Complaint. Dkt. No. 18. Therein, although Fecher amended the allegations with respect to one of the named Defendants, Jan Eaton, such that Fecher and Eaton now appear to be diverse, she failed to amend the allegations concerning the other named Defendant, Islands

Hospice. *Compare* Dkt. No. 1-2 at ¶ 2, *with* Dkt. No. 18 at ¶ 4. Thus, while Fecher alleges that the parties are citizens of different States, *id.* at ¶ 1, with respect to Islands Hospice, the only allegation is that it is a “domestic profit corporation organized under the laws of the State of Hawai‘i,” *id.* at ¶ 4. This allegation does not establish that Fecher, who is alleged to be a resident of Hawai‘i, *id.* at ¶ 3, is diverse from Islands Hospice. *See Hunter v. Philip Morris USA*, 582 F.3d 1039, 1043 (9th Cir. 2009) (explaining that “federal district courts have jurisdiction over suits for more than \$75,000 where the citizenship of each plaintiff is different from that of each defendant.”).

Accordingly, Fecher is ORDERED TO SHOW CAUSE why this case should not be dismissed for lack of subject matter jurisdiction. Fecher may have until June 30, 2023 to file a response to this Order to Show Cause. Should Fecher fail to file a timely response, this case may be dismissed without prejudice for lack of subject matter jurisdiction.

IT IS SO ORDERED.

Dated: June 20, 2023 at Honolulu, Hawai‘i.



/s/ Derrick K. Watson

Derrick K. Watson
Chief United States District Judge

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